

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARMAINE COOKE, :
Plaintiff, :
- against - : 24-CV-5316 (PAE) (RWL)
CONSOLIDATED EDISON COMPANY OF :
NEW YORK, INC., ET AL., :
Defendants. :
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CHARMAINE COOKE, :
Plaintiff, :
- against - : 24-CV-5315 (PAE) (RWL)
ORANGE & ROCKLAND UTILITIES, INC., :
ET AL., :
Defendants. :
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ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On January 16, 2025, Plaintiff filed letters in both 24-cv-5315 and 24-cv-5316 requesting approval for issuance of additional summonses to approximately 12 individuals. (24-cv-5315, Dkt. 21; 24-cv-5316, Dkt. 28.) At the Court's request, Con Ed filed a responding letter on February 10, 2025. (24-cv-5315, Dkt. 25; 24-cv-5316, Dkt. 33.) Plaintiff's request is premature. Although some of the individuals for whom Plaintiff seeks summonses are referenced in Plaintiff's pleadings, neither complaint sufficiently ties any of those individuals to the facts that are legally relevant to Plaintiff's claim for copyright infringement, whether direct or indirect. Con Ed shortly will be filing a motion to

dismiss on grounds (no substantial similarity) that do not implicate Plaintiff's request. If and when the motion to dismiss is denied, Plaintiff may make a motion to amend to name individuals not yet named as defendants, assuming that Plaintiff can make a good faith claim that sufficiently implicates the individuals' knowledge of and personal conduct in the alleged infringement. And, if and when the Court grants a motion to amend to name additional Defendants, corresponding summonses can be issued. Accordingly, Plaintiff's current request to approve and issue additional summonses is denied without prejudice.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 11, 2025
New York, New York

The Court respectfully requests the Clerk of Court to mail a copy of this Order to the pro se Plaintiff:

Charmaine Cooke
834 Penfield Street, #4H
Bronx, NY 10470